

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**BETH TOBAIS and  
MARGARET FREIBERG,**

**Plaintiffs,**

**v.**

**MERCK SHARPE & DOHME CORP.,**

**Defendant.**

**No. 11-0982-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is defendant's motion to stay all proceedings (Doc. 6).

Defendant moves the Court to stay this litigation pending its likely transfer to *In re:*

*Fosomax (Alendronate Sodium Products Liability Litigation (No. II)),* MDL No. 2243.

The Court finds that a stay is not warranted under the circumstances of this case and denies the motion to stay. Pending in this case are defendant's motion to sever (Doc. 5) and plaintiffs' motion to remand (Doc. 10). A review of those pleadings indicates that the issues contained in the motions are local issues. Thus, the Court finds that there is no reason to send this case to, MDL No. 2243 with pending motions based on those issues. The MDL judge has so many pending matters that it is helpful if

these pending motions (remand and sever) are resolved first. Accordingly, the Court  
**DENIES** the motion to stay (Doc. 6).

**IT IS SO ORDERED.**

Signed this 9th day of November, 2011.

  
Digitally signed by  
David R. Herndon  
Date: 2011.11.09  
15:34:03 -06'00'

**Chief Judge**  
**United States District Court**